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HOUSE BILL 890

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Benjamin H. Rodefer

AN ACT

RELATING TO ANATOMICAL GIFTS; REQUIRING ANATOMICAL GIFT DONOR STATUS AS A CONDITION OF RECEIVING A DRIVER'S LICENSE OR IDENTIFICATION CARD UNLESS THE STATUS IS REJECTED IN WRITING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-6B-5 NMSA 1978 (being Laws 2007, Chapter 323, Section 5) is amended to read:

"24-6B-5. MANNER OF MAKING ANATOMICAL GIFT BEFORE DONOR'S DEATH.--

A. A donor may make an anatomical gift:

(1) unless the donor is under fifteen years of age, by [authorizing a statement or symbol indicating that the donor has made an anatomical gift to] applying for and receiving a driver's license or identification card and by not rejecting status as a donor on the application, in which case,

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1 the fact that the donor has made a gift will be imprinted on
2 the donor's driver's license or identification card. A donor
3 under fifteen years of age may make an anatomical gift by
4 authorizing a statement or symbol, on a form provided pursuant
5 to Section 66-5-10 NMSA 1978, indicating that the donor has
6 made an anatomical gift to be imprinted on the donor's driver's
7 license or identification card;

8 (2) in a will;

9 (3) during a terminal illness or injury of the
10 donor, by any form of communication addressed to at least two
11 adults, at least one of whom is a disinterested witness; or

12 (4) as provided in Subsection B of this
13 section.

14 B. A donor or other person authorized to make an
15 anatomical gift pursuant to Section [~~4 of the Jonathan~~
16 ~~Spradling Revised Uniform Anatomical Gift Act~~] 24-6B-4 NMSA
17 1978 may make a gift by a donor card or other record signed by
18 the donor or other person making the gift or by authorizing
19 that a statement or symbol indicating that the donor has made
20 an anatomical gift be included on a donor registry. If the
21 donor or other person is physically unable to sign a record,
22 the record may be signed by another individual at the direction
23 of the donor or other person and shall:

24 (1) be witnessed by at least two adults, at
25 least one of whom is a disinterested witness, who have signed

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1 at the request of the donor or the other person; and

2 (2) state that it has been signed and
3 witnessed as provided in Paragraph (1) of this subsection.

4 C. Revocation, suspension, expiration or
5 cancellation of a driver's license or identification card upon
6 which an anatomical gift is indicated [~~does not invalidate~~
7 invalidates the gift.

8 D. An anatomical gift made by will takes effect
9 upon the donor's death whether or not the will is probated.
10 Invalidation of the will after the donor's death does not
11 invalidate the anatomical gift."

12 Section 2. Section 66-5-10 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 232, as amended) is amended to read:

14 "66-5-10. APPLICATION FOR LICENSE--INFORMATION--TRANSFER
15 TO LICENSE.--

16 A. Within the forms prescribed by the department
17 for applications and licenses of drivers of motor vehicles, a
18 [~~space~~] notice shall be provided to show [~~whether~~] that the
19 applicant, except for an applicant under fifteen years of age,
20 is a donor as provided in the Jonathan Spradling Revised
21 Uniform Anatomical Gift Act. The applicant's status as a donor
22 shall be shown upon the license issued by the department.

23 Anyone applying for a license may [~~if the applicant desires~~]
24 indicate the applicant's rejection of being a donor [~~status~~] on
25 [~~the~~] a space provided on the application, [~~and this~~

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1 ~~information, if given by an applicant, shall be shown upon the~~
2 ~~license issued]~~ in which case, no indication of being a donor
3 shall be shown upon the license. The form and driver's license
4 shall be signed by the [~~donor~~] applicant in the presence of a
5 witness who shall also sign the form in the [~~donor's~~]
6 applicant's presence. The department shall, as soon as
7 practicable, include the following donor status rejection
8 statement on the application form:

9 "I, _____, hereby [~~make~~] reject

10 (Name of applicant[~~/donor~~])

11 making an anatomical gift effective upon my death. [~~A~~
12 ~~medical evaluation at the time of my death shall~~
13 ~~determine the organs and tissues suitable for~~
14 ~~donation.~~]

15 _____
16 (Signature of [~~donor~~] applicant)".

17 An applicant who is under fifteen years of age may be
18 shown to be a donor as provided in the Jonathan Spradling
19 Revised Uniform Anatomical Gift Act by completing a statement
20 provided by the department that reads:

21 "I, _____, hereby make an

22 (Name of applicant/donor)

23 anatomical gift effective upon my death. A medical
24 evaluation at the time of my death shall determine the
25 organs and tissues suitable for donation.

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(Signature of donor)

(Signature of parent or guardian is required if the donor is under fifteen years of age.)".

B. ~~[The]~~ Unless the person has rejected being a donor in the person's application, the department shall mark [the donor status] that the person is a donor on [each] the person's driver's license record and shall retain each application form or its image of a person who wishes to be a donor. The department shall create and maintain a statewide donor registry and shall provide on-line computer terminal access to the donor registry to organ procurement organizations and procurement organizations, as defined in the Jonathan Spradling Revised Uniform Anatomical Gift Act. Authorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's death, may request verification of the donor's status from the department and may obtain a copy of the application from the department."